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In re Application of :  
LEE, Robert *et al* :  
U.S. Application No.: 10/568,095 :  
PCT No.: PCT/US00/14592 :  
Int. Filing Date: 28 May 2000 :  
Priority Date: 28 May 1999 :  
Attorney Docket No.: 2366-001-03 :  
For: NETWORK AUTHENTICATION WITH :  
SMART CHIP AND MAGNETIC STRIPE :

**DECISION ON  
PETITION UNDER  
37 CFR 1.47(a)**

The decision is in response to applicants' petition under 37 CFR 1.47(a) filed on 10 February 2006.

**BACKGROUND**

On 10 February 2006, petitioner filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, a petition under 37 CFR 1.47(a), a declaration signed by one of the two joint inventors, a copy of an email sent to the nonsigning inventor and a copy of an email sent by the attorney of the nonsigning inventor.

**DISCUSSION**

The 37 CFR 1.47(a) applicant claims that one of the two joint inventors, Mr. Thomas E. Honey, refuses to cooperate in the above-captioned national stage application.

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the missing joint inventor refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventor on their behalf and on behalf of the nonsigning joint inventor(s).

Concerning item (1), the fee for a petition under 37 CFR 1.47 changed to \$200.00 on 08 December 2004. Petitioners submitted a \$130.00 petition fee. The \$70.00 difference has been charged to Deposit Account No. 07-1897 as authorized. Item (1) of 37 CFR 1.47(a) is complete.

With regards to item (2) of 37 CFR 1.47(a), petitioners claim a refusal to cooperate and state a Mr. Honey was "presented a copy of the application PCT/US00/14592 and a declaration for his signature." Pet. at ¶ 4. Petitioners noted that "[t]he National stage patent application is a copy of the application PCT/US00/14592." *Id.* Petitioners assert that "Mr. Honey, through his attorney, expressed his refusal to sign the declaration." *Id.* at ¶ 5. A copy of both emails were provided with the petition papers.

In this case, a copy of the application was sent to Mr. Honey via email on 10 October 2005. A review of the email sent 03 November 2005 by his attorney Mr. Davis, verifies that Mr. Honey received this email and the attachments. This email also constitutes an express refusal to cooperate in the above-captioned application. See § 409.03(d) MPEP. The issue of ownership addressed by Mr. Davis is irrelevant in the analysis of a refusal to cooperate under 37 CFR 1.47(a).

With regards to item (3), the last known address of Mr. Thomas E. Honey is listed in the petition as:

PMB 405  
1350 Beverly Road #15  
McLean, VA 22101

Concerning item (4), the 37 CFR 1.47(a) applicant submitted a declaration signed by Robert Lee on behalf of himself and the nonsigning joint inventor. This declaration meets the requirements of section 409.03(a) and is in compliance with 37 CFR 1.497(a) and (b).

All the requirements of 37 CFR 1.47(a) are now complete.

### **CONCLUSION**

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 May 2000 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 10 February 2006.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of

the Office of PCT Operations for continued processing.

A handwritten signature in black ink that reads "James Thomson". The signature is written in a cursive style with a large, stylized "J" and "T".

James Thomson  
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